

Message Text

SECRET

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22-11
ORIGIN AF-04

INFO OCT-01 SS-14 ISO-00 PM-03 DODE-00 H-01 L-01 NSC-05

NSCE-00 CIAE-00 INR-05 MC-01 SP-02 OMB-01 EB-03

TRSE-00 ACDA-10 PRS-01 /052 R

DRAFTED BY AF/E:RFILLING/PM/SAS:DVHESTER:SM

APPROVED BY AF:WESCHAUFEE

D:DTICE

PM/SAS:DJJAMES

DOD/ISA:COL. WOOTEN (SUBS)

H:MR. BLACK

L/PM:TBOREK

AF/E:RSBARRETT

S/S- MR. BRIDGES

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R 240040Z JUL 76

FM SECSTATE WASHDC

TO AMEMBASSY KHARTOUM

S E C R E T STATE 183582

LIMDIS

E.O. 11652: GDS

TAGS: MASS, SU, US

SUBJECT: MILITARY SALES FOR SUDAN

1. IN RECENT CONVERSATIONS WITH DEPUTY SECRETARY ROBINSON AND AF/E, MINSTATE DENG HAS MENTIONED THAT GOS WILL PROBABLY BE EXPLORING WITH US SHORTLY POSSIBILITY OF CASH PURCHASES OF US MILITARY AIRCRAFT, NOTABLY C-130'S. WE HAVE INFORMED DENG THAT WHILE WE ARE FAVORABLY DISPOSED TOWARD CONSIDERING ANY GOS REQUEST FOR CASH PURCHASES, CERTAIN LEGAL REQUIREMENTS AND PROCEDURES MUST BE COMPLIED WITH BY USG BEFORE WE COULD ISSUE ANY COMMERCIAL EXPORT

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LICENSE OR ANY OFFER TO SELL ANY DEFENSE ARTICLES OR

SERVICES TO GOS. DENG WAS ALSO TOLD THAT WE WILL TAKE NO CONCRETE STEPS TOWARD SEEKING TO SATISFY THOSE REQUIREMENTS UNTIL GOS MAKES A FORMAL REQUEST FOR DEFENSE ARTICLES THROUGH OUR EMBASSY AT KHARTOUM.

2. FOREIGN GOVERNMENTS MAY PROCURE U.S. MANUFACTURED DEFENSE ARTICLES FROM U.S. EITHER ON COMMERCIAL BASIS, WHICH REQUIRES AN EXPORT LICENSE ISSUED BY DEPARTMENT'S OFFICE OF MUNITIONS CONTROL, OR, IF ELIGIBLE, DIRECTLY FROM USG UNDER FOREIGN MILITARY SALES (FMS) PROCEDURES. SUDAN, HOWEVER, IS NOT NOW ELIGIBLE FOR FMS. TO BECOME ELIGIBLE, SECTION 3(A) OF THE ARMS EXPORT CONTROL ACT, AS AMENDED, (FORMERLY FOREIGN MILITARY SALES ACT) REQUIRES, INTER ALIA, PRESIDENTIAL DETERMINATION THAT FURNISHING OF DEFENSE ARTICLES AND SERVICE TO SUDAN "WILL STRENGTHEN THE SECURITY OF THE UNITED STATES AND PROMOTE WORLD PEACE."

3. WITH REGARD TO COMMERCIAL SALES, SECTION 38 OF THE ARMS EXPORT CONTROL ACT PROVIDES THAT NO EXPORT LICENSE MAY BE ISSUED FOR MAJOR DEFENSE EQUIPMENT SOLD TO A NON-NATO COUNTRY FOR DOLS. 25 MILLION OR MORE, I.E. ANY SUCH SALE CAN ONLY BE UNDER GOVERNMENT-TO-GOVERNMENT FMS PROCEDURES. IN ADDITION, DEPARTMENT MUST REPORT TO CONGRESS ALL LICENSE APPLICATIONS FOR EXPORT OF COMMERCIALY SOLD MAJOR DEFENSE EQUIPMENT VALUED AT DOLS. 7 MILLION OR MORE AS WELL AS FOR ANY EXPORT OF DEFENSE ARTICLES OR SERVICES VALUED AT DOLS. 25 MILLION OR MORE AT LEAST 30 DAYS IN ADVANCE OF ISSUANCE OF EXPORT LICENSES.

4. FURTHERMORE, NEW LEGISLATION REQUIRES EXECUTIVE BRANCH TO SUBMIT TO CONGRESS ALL PROPOSED FMS LETTERS OF OFFER INVOLVING MAJOR DEFENSE EQUIPMENT COSTING DOLS. 7 MILLION OR MORE OR INVOLVING ANY DEFENSE ARTICLES OR SERVICES COSTING DOLS. 25 MILLION OR MORE FOR PRIOR CONGRESSIONAL REVIEW AND POSSIBLE DISAPPROVAL BY CONCURRENT RESOLUTION AT LEAST 30 DAYS BEFORE ANY SUCH LETTERS OF OFFER MAY BE ISSUED. IN ADDITION, UNDER PROCEDURES DEVELOPED WITH CONGRESS, 20 DAY ADVANCE NOTIFICATION NORMALLY PRECEDES FORMAL NOTIFICATION.

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5. EVENTUAL GOS REQUEST WHICH EMBASSY FORWARDS TO DEPT SHOULD STIPULATE TYPE OF EQUIPMENT NEEDED, REASONS FOR REQUEST, AND WHETHER COMMERCIAL OR FMS CASH PURCHASE IS PROPOSED. ROBINSON

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NNN

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Margaret P. Grafeld
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04 MAY 2006

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